

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**LIGAYA L. JANKOWSKI, by
MICHAEL T. JANKOWSKI, under
Power of Attorney,**

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 2:20-cv-530

ORDER APPROVING SETTLEMENT

IT APPEARING TO THE COURT THAT:

1. This is an action by Ligaya L Jankowski, by Michael T. Jankowski, under Power of Attorney, alleging medical negligence by employees of the United States during Plaintiff's care at Naval Medical Center Portsmouth in 2019. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1346(b)(1), and the Federal Tort Claims Act, 28 U.S.C. § 2871, *et seq.*

2. On July 14, 2021, the parties advised the Court that they had reached a tentative settlement ("Settlement") of this matter, subject to final approval by the Assistant Attorney General of the Department of Justice and other conditions. *See* ECF No. 14. Plaintiff subsequently moved for approval of her Settlement with the United States. ECF No. 16. In response to the Court's Notice, the United States also filed a Submission in Support of Proposed Settlement, ECF No. 18, along with a copy of the tentative settlement agreement, ECF No. 18-1.

3. On September 15, 2021, the Court convened a hearing for approval of the Settlement between the United States and Plaintiff. Plaintiff appeared through her attorneys of

record and her husband, Michael T. Jankowski, under power of attorney. The United States appeared through its attorneys of record.

4. The complete and precise terms and conditions of the Settlement are set forth in the Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677 (hereinafter “Stipulation”). ECF No. 18-1.

5. The Court has reviewed the Stipulation, considered the testimony, and heard arguments in favor of the Settlement. The Court is fully informed of the specifics of the full and final terms and conditions of the Settlement, including the necessity of the approval by the Assistant Attorney General of the United States.

6. The Court finds that the terms and conditions of the Settlement, as set forth in the Stipulation are fair, reasonable, in the best interests of Plaintiff, and are given in good faith as to the claims of all of the Plaintiff.

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** as follows:

1. The Settlement, as set forth in ECF No. 18-1, is hereby approved.
2. Michael T. Jankowski, under power of attorney, is authorized and required to sign the Stipulation and any other documents that are necessary to consummate the Settlement.
3. The settlement amount of Two Million Dollars (\$2,000,000) (hereinafter “Settlement Amount”) is fair and reasonable and is in the best interest of Plaintiff, and shall be distributed according to the terms and conditions of the Stipulation.

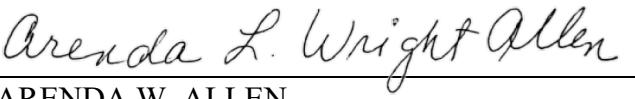
4. Attorneys’ fees in this action shall not exceed twenty-five percent (25%) of the Settlement Amount.

5. Plaintiff is legally responsible for any and all past, present, and future liens or claims for payment or reimbursement, including any liens or claims for payment or reimbursement by Medicaid, Medicare, or healthcare providers. Accordingly, Plaintiff, by and through her attorneys, are ordered to satisfy or resolve any and all such past, present, and future liens or claims for payment or reimbursement asserted by any individual or entity, including Medicaid and Medicare, arising from the subject matter of this action. Plaintiff, by and through her attorneys, also shall provide to the United States the information required by the Stipulation regarding the satisfaction or resolution of such liens or claims for payment or reimbursement within the time specified in said Stipulation.

6. Upon final execution of the Stipulation, Plaintiff shall file a proposed order that requests dismissal of this action in its entirety with prejudice, with each party bearing its own costs, expenses, and fees, and the court expressly not retaining jurisdiction over the above-captioned action, this settlement, or the United States.

7. Upon entry of the dismissal order, the United States Attorney's Office for the Eastern District of Virginia shall tender to Plaintiff the Settlement Amount.

8. Once dismissed, the Court shall not retain jurisdiction over the action against the United States or the settlement.



ARENDAL W. ALLEN
UNITED STATES DISTRICT JUDGE

At Norfolk, Virginia
This 15 day of September, 2021

WE ASK FOR THIS:

LIGAYA L. JANKOWSKI, by MICHAEL T. JANKOWSKI, under Power of Attorney,
Plaintiff

By: /s/ Brewster S. Rawls
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Counsel for Plaintiff

WE ASK FOR THIS:

UNITED STATES OF AMERICA
Defendant

BY:



Sean D. Jansen, AUSA

Kent P. Porter, AUSA

Counsel for the United States of America

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